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 21 UNITED STATES DISTRICT COURT  
 22 SOUTHERN DISTRICT OF CALIFORNIA

23  
 24 CHARLES HOGARTY,  
 25 Plaintiff,  
 26 v.  
 27 NEC CORPORATION OF AMERICA, ET AL.  
 28 Defendants.

Case No. 3:08-cv-00677-DMS-BLM  
 Class Action

JOINT MOTION FOR EXTENSION  
 OF TIME FOR DEFENDANT NEC  
 CORPORATION OF AMERICA TO  
 RESPOND TO THE COMPLAINT

The Honorable Dana M. Sabraw

29  
 30 PLEASE TAKE NOTICE that Defendant NEC Corporation of America (“Defendant”)  
 31 and Plaintiff Charles Hogarty (“Plaintiff”) hereby jointly move the Court for an order allowing  
 32 Defendant an extension of time in which to file a responsive pleading to Plaintiff’s Complaint  
 33 until May 30, 2008. Pursuant to Rule 6 of the Civil Pretrial & Trial Procedures of Judge Dana  
 34 M. Sabraw, counsel for Defendant and Plaintiff have conferred regarding a potential Rule 12(b)  
 35 motion that NEC may file regarding transfer of venue. Discussions regarding this potential  
 36 motion are ongoing and may resolve the issues surrounding venue.

Accordingly, the instant request for an extension of time is supported by good cause, and the parties believe that it is in the interest of judicial economy to grant the extension of time.

Dated: April 25, 2008

MORRISON & FOERSTER LLP

By: \_\_\_\_\_ /s/  
Daniel P. Westman,

Dated: April 25, 2008

## THIERMAN LAW FIRM

Attorneys for Defendant  
NEC CORPORATION OF AMERICA

## THIERMAN LAW FIRM

By: \_\_\_\_\_ /s/  
Mark R. Thierman,

Attorney for Plaintiff  
CHARLES HOGARTY